

15M-5903 to 06

On Saturday, September 26, 2015, at approximately 1715 hours, S/Trooper N.S. Stepp, hereafter referred to as this trooper, was at the Go-Mart in Elkview, Kanawha County, West Virginia, obtaining fuel. While at this location, this trooper recognized Josh Fisher, who this trooper has had multiple encounters with in recent months. Upon recognizing Josh Fisher, who this trooper prior knowledge of being on Home Confinement through Roane County, West Virginia, this trooper then approached Josh Fisher and requested his WV-Driver's License in efforts to preforming a Warrant's Check as well as contacting the Roane County 911 in efforts to evaluate his Home Confinement status.

Upon approaching the vehicle in which Josh Fisher had entered, this trooper was approached by three (3) other individuals, two (2) males and one (1) female. Upon interacting with these individuals, this trooper could detect the strong odor of an alcoholic beverage on their breaths and could also see a thirty (30) pack of Budweiser from where this trooper was standing outside of the car. This trooper could also see an open container setting at the feet of Josh Fisher. It should also be noted that his clothing appeared to be torn and he had several lacerations to his chin and nose area of his face.

Upon retrieving the identifications from all four (4) individuals, this trooper then returned to the patrol vehicle of TFC S.P. Demaske of the West Virginia State Police and requested that he preform a warrants check on all four (4) individuals while this trooper contacted the Roane County 911 (RTC) in efforts to check the status of Josh Fisher's on Home Confinement situation. While speaking with RTC via public service and TFC Demaske was setting in his patrol vehicle with his door shut speaking with the West Virginia State Police Dispatch, this trooper noticed that Josh Fisher and his brother, Justin Fisher, who was among the individuals being checked for warrants, running towards this trooper cursing very loudly from across the parking lot.

Upon turning to speak with both individuals, who were still continuing to cuss very loudly at this trooper, the trooper noticed that Justin Fisher was continuing to get closer and closer to this trooper. Due to both individuals appearing to be under the influence of alcohol and fearing that he would attempt to strike this trooper or TFC Demaske, who was still setting in his patrol vehicle at a huge disadvantage if Justin Fisher attempted to strike him. At this time, this trooper then tackled Justin Fisher in efforts to prevent him from striking this trooper first due to there being two (2) highly intoxicated individuals against one (1). It should also be noted that this trooper had prior knowledge to at least Josh Fisher having been a champion wrestler for multiple years and that this trooper would not be able to defend against Josh Fisher if he was given the opportunity to strike this trooper.

Upon tackling Justin Fisher, this trooper then felt Josh Fisher jump this trooper's back. This trooper then administered Josh Fisher one (1) closed hand strike to the face in efforts to prevent him from getting this trooper into a hold and not being able to defend off an attack. As this trooper was defending of both attackers, TFC Demaske was able to place Justin Fisher into handcuffs behind the back. As this trooper was then attempting to engage Josh Fisher, this trooper noticed that Deputy M.W. Cooper of the Roane County Sheriff's Department, who as assisting this trooper on an burglary investigation which had occurred in Roane County, West Virginia, had him on the ground attempting to place him into handcuffs. As this trooper approached Deputy Cooper, this trooper noticed that Josh Fisher was refusing to comply with Deputy Cooper's commands to place his arms behind his back. As this trooper was

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attempting to assist Deputy Cooper in getting Josh Fisher's arms behind his back, this trooper who was also giving Josh Fisher's commands to place his hands behind his back, grabbed his left arm. As this trooper was attempting to position the arm behind his back, this trooper noticed that Josh Fisher was pulling his arm away from this trooper in the direction of his head. As this trooper was continuing to apply pressure to the arm in efforts to place it behind his back and was finally able to get his arm behind him.

Upon securing Josh Fisher, this trooper then placed Justin Fisher in this trooper's patrol vehicle and contacted the Kanawha County Metro 911 Center (Metro) in efforts to obtaining medical attention due to him complaining of pain in his left arm. After medics had arrived on scene, it was determined that Josh Fisher would be transported to Charleston General Hospital for treatment of nonlife threatening injuries where he was later released.

Upon being discharged from Charleston General, this trooper placed Josh Fisher under arrest for Assault on a Police Officer, Battery on a Police Officer, Obstructing a Police Officer and Public Intoxication and transported to the West Virginia State Police South Charleston Detachment for processing. It should be noted that Justin Fisher was also placed under arrest for Assault on a Police Officer, Obstructing a Police Officer and Public Intoxication and was also transported to the West Virginia State Police South Charleston Detachment for processing.

Upon completion of processing, both individuals were transported to the Kanawha County Magistrate Court for arraignment.

Sgt. M. D. L.  
5/26/2015